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**AUG 25 2006**

**OFFICE OF PETITIONS**

STRIKER, STRIKER & STENBY  
103 East Neck Road  
Huntington, NY 11743

In re Application of :  
Kern : DECISION ON PETITION  
Application No. 09/862,803 :  
Filed: May 22, 2001 :  
Atty. Dkt. No.: 1625 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 25, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned August 3, 2005 for failure to timely reply to the final Office action mailed May 2, 2005. The Office communication set a three month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed March 29, 2006. A petition under 37 CFR 1.137(b) was filed May 18, 2006 and dismissed June 20, 2006.

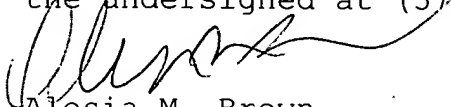
A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the final Office action is accepted as having been unintentionally delayed.

**The Notice of Appeal has been entered and made of record. The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.**

This application will be forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', is written over the printed name.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions